

Message Text

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PAGE 01 MTN GE 03850 01 OF 04 172010Z
ACTION STR-04

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 H-01 AGR-05
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PRS-01 SP-02 OMB-01 OIC-02 SIL-01 AF-10 ARA-06
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P R 171858Z MAY 77
FM USDEL MTN GENEVA
TO SECSTATE WASHDC PRIORITY 2470
INFO AMEMBASSY OTTAWA

LIMITED OFFICIAL USE SECTION 1 OF 4 MTN GENEVA 3850

ACTION STR

H PASS CODEL

E.O. 11652: N/A
TAGS: ETRD MTN
SUBJ: VISIT TO WASHINGTON OF CANADIAN MTN AMB. GREY - MAY 24-25

1. SUMMARY: AMB RODNEY GREY, HEAD OF THE CANADIAN MTN DEL, WILL BE VISITING WASHINGTON MAY 24-25. WE UNDERSTAND AMB WARREN PLANS TO ACCOMPANY GREY WHEN LATTER CALLS ON AMB STRAUSS. IN HIS CALLS ON TRADE POLICY OFFICIALS GREY WILL BE EMPHASIZING CANADIAN MTN INTERESTS IN TARIFF ELIMINATION, SECTOR NEGOTIATIONS, SUBSIDIES/COUNTERVAILING DUTIES AND GOVERNMENT PROCUREMENT AND TRYING TO CLARIFY U.S. INTENTIONS IN SAFEGUARDS AND THE FRAMEWORK GROUP. THIS TELEGRAM SUMMARIZES MAIN POINTS WE WOULD EXPECT GREY TO RAISE TOGETHER WITH AN MTN DEL RECOMMENDED RESPONSE FOR MOST OF THEM. WE HAVE MARKED THIS MESSAGE H PASS CODEL AS WE UNDERSTAND GREY HAS TOLD AMB WARREN HE WOULD WELCOME
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OPPORTUNITY TO MEET WITH ONE OR MORE MEMBERS OR STAFF OF SFC AND HWMC. END SUMMARY.

2. ALTHOUGH THE U.S. AND CANADA HAVE SIMILAR OBJECTIVES ON MANY MAJOR MTN ISSUES, AMBASSADOR GREY HAS VIGOROUSLY ATTACKED THE U.S. ON A NUMBER OF OCCASIONS, MOST NOTABLY ON SAFEGUARDS AND IN THE FRAMEWORK GROUP.

GREY'S ACTIONS CAN BE ATTRIBUTED PARTLY TO A COMBATIVE PERSONALITY AND THE TRADITIONAL NEED OF A CANADIAN NEGOTIATOR TO STAKE OUT A POSITION OF INDEPENDENCE VIS-A-VIS THE U.S., AND PARTLY TO GREY'S EFFORT TO SMOKE OUT THE U.S. POSITION IN AREAS WHERE HE THINKS THERE IS AMBIGUITY OR FUZZINESS. IN MANY AREAS GREY HAS BEEN A CONSTRUCTIVE AND POSITIVE INFLUENCE, SUCH AS IN SUBSIDY-COUNTERVAIL AND GOVERNMENT PROCUREMENT. ALTHOUGH MOST DELEGATIONS IN GENEVA HAVE FELT THE LAST OF HIS TONGUE, HE IS WIDELY RESPECTED FOR HIS KNOWLEDGE AND ABILITY, AND HIS VIEWS DESERVE CAREFUL ATTENTION BY WASHINGTON OFFICIALS. THE FOLLOWING TOPICS WILL PROBABLY BE STRESSED BY GREY.

3. TARIFFS: CANADA SAYS THAT IT INTENDS TO PARTICIPATE AS A TARIFF FORMULA COUNTRY BUT CONSIDERS IT AN ESSENTIAL PREREQUISITE THAT THE CONCEPT OF TARIFF ELIMINATION BE BUILT INTO THE TARIFF NEGOTIATING PLAN. GREY HAS BEEN CRITICAL OF THE U.S. FORMULA FOR ITS FAILURE TO USE THE FULL AUTHORITY OF THE TRADE ACT TO ELIMINATE RATES 5 PERCENT AND BELOW. PRIVATELY, THE CANADIAN MTN DELEGATION HAS ADMITTED THE UNLIKELIHOOD OF TARIFF ELIMINATION BEING INTRODUCED AS PART OF THE FORMULA EQUATION. BUT CANADA INSISTS ON THE NECESSITY OF SOME LANGUAGE AS A SUPPLEMENT TO THE FORMULA WHICH WILL TAKE INTO ACCOUNT ITS TRADE INTEREST IN THE LOW RATE CATEGORIES (75 PERCENT OF TOTAL CANADIAN DUTIABLE EXPORTS FALL IN THE 5 PERCENT AND BELOW CATEGORY). ALTHOUGH CANADA ACKNOWLEDGES THAT EVENTUALLY ITS INTEREST IN DUTY ELIMINATION WILL HAVE TO BE DEALT WITH ITEM BY-LIMITED OFFICIAL USE

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ITEM, IT SEES THE NEED OF A GENERAL FORMULATION, BOTH FOR POLITICAL AND NEGOTIATING REASONS. SINCE CANADA WILL BE REQUIRED BY ANY AGREED TARIFF FORMULA TO CUT SUBSTANTIALLY ITS HIGH RATES ON INDUSTRIAL PRODUCTS, IT NEEDS ASSURANCE THAT THE BULK OF CANADIAN EXPORT INTEREST WILL RECEIVE COMMENSURATE BENEFITS. IN THE CANADIAN VIEW THIS MEANS TARIFF ELIMINATION ON LOW RATES. THE CANADIANS ALSO SEE TARIFF ELIMINATION AS A MEANS OF DEALING WITH THE PROBLEM OF TARIFF ESCALATION IN RESOURCE-BASED COMMODITY AREAS.

RESPONSE: AS WE HAVE REPEATEDLY TOLD THE CANADIANS, THE U.S. UNDERSTANDS THEIR DESIRE TO ELIMINATE LOW DUTIES BUT WE FIND OURSELVES FACED WITH THE NEED TO ACCOMMODATE CANADIAN OBJECTIVES WITH EC AND JAPANESE ATTRACTION TO THE CONCEPT OF A TARIFF FLOOR IN THE FORMULA. THE U.S. HAS ASKED THE CANADIAN DELEGATION TO SUGGEST SOME "FORMULA OF WORDS" OR OTHER MEANS BY WHICH TARIFF ELIMINATION

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FM USDEL MTN GENEVA
TO SECSTATE WASHDC PRIORITY 2471
INFO AMEMBASSY OTTAWA

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ACTION STR

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COULD BE LINKED TO THE TARIFF FORMULA IN A MANNER ACCEPT-
ABLE TO ALL MAJOR PARTICIPANTS. WE KNOW THAT THE
CANADIANS ARE WORKING ON SUCH A FORMULATION AND HOPE
TO HAVE IT READY SOON. ONCE IT IS AVAILABLE WE WOULD
GIVE IT SYMPATHETIC CONSIDERATION, BUT IT IS UP TO THE
CANADIANS TO PUT FORWARD THE SUGGESTION. AS THE CANADIANS
KNOW, WE ARE ALSO WILLING TO DISCUSS BILATERALLY SPECIFIC
CANADIAN INTERESTS IN TARIFF ELIMINATION, BUT WE CANNOT
PROVIDE ANY BLANKET ASSURANCE IN ADVANCE. OUR ABILITY
TO MOVE ON TARIFF ELIMINATION WILL ALSO DEPEND GREATLY
ON CANADIAN WILLINGNESS TO REDUCE SUBSTANTIALLY THEIR
HIGH RATES ON PRODUCTS OF INTEREST TO THE U.S.

4. SECTORS: CANADA VIEWS THE SECTOR APPROACH AS THE
BEST MEANS TO DEAL WITH THE PROBLEM OF TARIFF ESCALATION,
THE ISSUE OF PRIMARY CONCERN TO WESTERN CANADA WITH ITS
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RESOURCE-BASED INDUSTRIES. THE ISSUE IS POLITICALLY CHARGED

AND THE CANADIAN GOVERNMENT IS FACED WITH THE NECESSITY OF DEMONSTRATING ITS CONCERN FOR REGIONAL INTERESTS. CANADA IS DISAPPOINTED THAT THE U.S. HAS FAILED TO RESPOND TO CANADIAN PROPOSALS FOR THE NONFERROUS METALS AND FOREST PRODUCTS SECTORS. CANADIANS HAVE POINTED OUT THAT THE EVENTUAL SIZE OF A CANADIAN EXCEPTIONS LIST WILL BE STRONGLY INFLUENCED BY THE POSSIBILITY OF PROGRESS IN ITS RECOMMENDED SECTORS.

RESPONSE: CANADIAN SECTOR PROPOSALS ARE STILL UNDER STUDY BY WASHINGTON AGENCIES AND THE INDUSTRY ADVISORY COMMITTEES. IT IS DIFFICULT TO RESPOND IN SPECIFIC TERMS PRIOR TO THE ADOPTION OF A TARIFF FORMULA AND CONSIDERATION OF EXCEPTIONS. WE ARE STILL AWAITING A PROMISED CANADIAN TARIFF CONCORDANCE WHICH IS NECESSARY TO ENABLE US TO EVALUATE THE FOREST PRODUCTS SECTOR PROPOSAL.

5. NON-TARIFF MEASURES:

(A) SUBSIDIES. AMB GREY IS AWARE THAT IN ORDER FOR MEANINGFUL NEGOTIATIONS TO BE LAUNCHED, THERE WILL HAVE TO BE A US-EC UNDERSTANDING ON HOW WE SHOULD PROCEED AND THE PARAMETERS OF THE NEGOTIATIONS HE IS ALSO AWARE THE US NEGOTIATING POSITION HAS BEEN UNDER POLICY REVIEW RECENTLY IN WASHINGTON. GREY WILL BE ANXIOUS TO LEARN ANYTHING THE US SIDE MAY BE WILLING OR ABLE TO SAY ABOUT THE PROSPECTS FOR MOVING AHEAD IN THIS AREA.

SUGGESTED RESPONSE: US-EC UNDERSTANDING IS NECESSARY FOR ANY PROGRESS IN THIS AREA. THE US INTENDS TO HAVE AN INTENSIVE BILATERAL WITH THE EC SOON AND WE WILL GET BACK TO GREY AFTER THESE CONSULTATIONS. UNTIL WE HAVE HAD THESE AND OTHER BILATERALS THE US WILL NOT HAVE A LIMITED OFFICIAL USE

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CLEAR PICTURE OF HOW TO PROCEED. WE CAN SAY, HOWEVER, THAT OUR BASIC POSITION HAS NOT CHANGED, I.E., THE CODE MUST COVER BOTH SUBSIDIES AND CVD, BOTH INDUSTRY AND AGRICULTURE, AND MUST PRODUCE A SIGNIFICANTLY GREATER DEGREE OF DISCIPLINE ON THE USE OF SUBSIDIES. WHAT WE MUST FIND IN THESE BILATERALS IS A MEANS OF MATCHING THIS POSITION WITH THE OBJECTIVES OF OUR NEGOTIATING PARTNERS. THE CANADIAN DRAFT MAY PROVE TO BE VERY USEFUL IN THIS ENDEAVOR. IN REGARD TO SPECIFIC ELEMENTS IN THE CANADIAN PAPER, ALTHOUGH WE MAY BE FAVORABLY DISPOSED TOWARD SOME OF THE SECTIONS, WE BELIEVE THAT IF WE WERE TO EMBRACE THEM AT THIS STAGE, THE CHANCES OF ACCEPTANCE BY OTHERS WOULD THEREBY BE REDUCED. WE ARE

APPREHENSIVE ABOUT AMB GREY'S WILLINGNESS AT THE FEB 1977 SUBSIDIES/CVD SUBGROUP TO SEPARATE THE SUBSIDIES SECTIONS FROM THOSE ON COUNTERMEASURES. WE SHOULD STRONGLY ASSERT THAT AMB GREY SHOULD NOT EXPECT US TO PLAY ALONG WITH HIS APPROACH IF HE INTENDS TO BREAK THE SUBSIDIES/COUNTERMEASURES LINK AT SOME FUTURE DATE.

(B) GOVERNMENT PROCUREMENT. THIS IS AN ISSUE ON WHICH THE CANADIANS APPEAR ANXIOUS TO MAKE PROGRESS, AND THEY PARTICULARLY WANT TO NEGOTIATE AN AGREEMENT IN THE MTN CONTEXT. THEY HAVE EXPRESSED RESERVATIONS ABOUT WORK PREVIOUSLY DONE IN THE OECD AND ARE AVERSE TO RETURNING TO THAT FORUM. MOREOVER, THEIR RESERVATIONS EXTEND TO THE USE OF THE DRAFT OECD CODE AS AN MTN NEGOTIATING

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FM USDEL MTN GENEVA
TO SECSTATE WASHDC PRIORITY 2472
INFO AMEMBASSY OTTAWA

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ACTION STR

H PASS CODEL

DOCUMENT. AMB GREY WILL LIKELY ENCOURAGE SUPPORT OF THE CANADIAN DRAFT CODE ON GOVERNMENT PROCUREMENT.

RESPONSE: WHILE THE LANGUAGE OF SEVERAL SECTIONS OF THE CANADIAN DRAFT WILL BE USEFUL AT SOME FUTURE TIME, WE BELIEVE TABLING OF A NEW DRAFT NOW WOULD BE PREMATURE

(SEE MTN GENEVA 3680). A MORE DEFINITIVE U.S. POSITION WILL AWAIT THE OUTCOME OF CANADIAN BILATERALS WITH THE OTHER MAJOR PARTICIPANTS.

(C) CUSTOMS VALUATION. CANADA HAS BEEN NEGATIVE TOWARD THE IDEA OF NEGOTIATING A NEW INTERNATIONAL CODE ON CUSTOMS VALUATION AS THE EC DESIRES. CITING THE PREVALENCE IN CANADA OF THE PARENT-SUBSIDIARY RELATIONSHIP, THE CANADIANS HAVE DEFENDED THE NEED TO MAINTAIN THEIR UNIQUE VALUATION SYSTEM, AND ARE AFRAID OF BEING COMPLETELY LIMITED OFFICIAL USE

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ISOLATED IF THE U.S. AGREES TO NEGOTIATE A NEW CODE.

(D) ANTIDUMPING CODE. WE HAVE WELCOMED THE CHANGE IN THE CANADIAN POSITION WHICH NOW SUPPORTS OUR OPPOSITION TO A NEW SUBGROUP IN THE MTN ON ANTIDUMPING. HOWEVER, AMB GREY'S STATEMENT AT THE APRIL NTM PARENT GROUP REVEALS HE HAS NOT ENTIRELY GIVEN UP HOPE OF ACTION TO IMPROVE THE ANTIDUMPING CODE IN THE MTN (SEE MTN GENEVA 3008), ALTHOUGH AT A LATER STAGE OF THE NEGOTIATIONS.

6. AGRICULTURE: GREY IS LIKELY TO ENQUIRE HOW, IN THE LIGHT OF THE SUMMIT, THE US INTENDS TO PROCEED WITH AGRICULTURE IN THE MTN IN ORDER TO BREAK THE PROCEDURAL DEADLOCK. IN PARTICULAR, HE IS LIKELY TO ASK WHETHER THE US WILL CONTINUE TO INSIST ON BETTER ACCESS TO FOREIGN GRAIN MARKETS OR WHETHER IT WILL BE SATISFIED WITH A PRICE STABILIZATION AND RESERVE AGREEMENT. IN THIS CONTEXT THE QUESTION OF THE LINKAGE BETWEEN THE MTN AND THE IWC NEGOTIATIONS WILL COME UP. HE MAY ALSO ASK WHETHER THE US CONSIDERS IT FEASIBLE TO DEAL WITH SUBSIDIES IN THE FRAMEWORK OF A COMMODITY AGREEMENT OR PREFERS A GENERAL APPROACH SUCH AS HIS OWN DRAFT CODE. THE QUESTION OF WHETHER THE US WILL CONTINUE TO INSIST THAT AGRICULTURAL TARIFFS BE PART OF THE TARIFF FORMULA MAY ALSO BE RAISED. (THE CANADIANS HAVE MANAGED TO AVOID TAKING A FORMAL POSITION ABOUT FORMULA COVERAGE OF AG TARIFF CUTS; CANADA HAS, HOWEVER, INDICATED AN INTEREST IN HARMONIZING AGRICULTURAL TARIFFS BETWEEN THE US AND CANADA.)

7. SAFEGUARDS: UNTIL LAST MEETING OF SAFEGUARDS GROUP, CANADIANS WERE TAKING A WAIT-AND-SEE APPROACH TO US PROPOSAL. GREY NOW SEEMS ON THE ATTACK, HOWEVER, AGREEING ONLY THAT MORE INTERNATIONAL SCRUTINY OF THE USE OF ARTICLE XIX IS NEEDED--BUT NOT THAT THE US PROPOSAL IS THE WAY TO GET THERE (MTN GENEVA 3529). IN A BILATERAL LIMITED OFFICIAL USE

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SESSION MAY 13 HE PARTICULARLY ATTACKED (A) CURRENT US INTERPRETATION OF ARTICLE XIX; (B) US CONCEPTION OF ROLE OF RETALIATION IN A SAFEGUARDS SYSTEM; (C) APPARENT US INTEREST IN SELECTIVE (DISCRIMINATORY) SAFEGUARDS APPLICATION. WE PLAN FURTHER BILATERAL DISCUSSION ON AT LEAST (A) AND (C).

HE MAY RAISE:

--GENERAL US APPROACH: WHY DO WE SEEM STUDIOUSLY VAGUE ON DETAILS OF OUR PROPOSAL?

RESPONSE: IN PART, BECAUSE WE ARE TRYING TO ELICIT MORE DETAIL ON KEY COUNTRY INTERESTS BEFORE CASTING A DETAILED PROPOSAL WHICH WILL HVE TO BALANCE SEVERAL CONFLICTING OBJECTIVES. THUS, WE HAVE SOUGHT SPECIFIC PROPOSALS FROM OTHERS ON ALL AREAS OF SPECIAL CONCERN TO THEM.

-- WHERE IS US GOING ON SELECTIVITY?

RESPONSE: NO FURTHER THAN ABSOLUTELY NECESSARY TO BRING ALL MAJOR TRADING COUNTRIES INTO A BETTER SAFEGUARD SYSTEM. WE NEED TO KNOW HOW EC/NORDICS WANT TO MOVE. OUR CURRENT ASSESSMENT IS THAT ONLY THE SELECTIVITY WHICH ALREADY EXISTS (E.G., SOME VOLUNTARY EXPORT RESTRAINTS; SOME PRICE-BREAK SYSTEMS SUCH AS CANADIAN SURTAX) WILL BE ACCEPTABLE IN A NEW SYSTEM AND EVEN THESE SHOULD BE CONSTRAINED BY CLOSER MULTILATERAL SCRUTINY IN THAT SYSTEM.

--(WHEN) WILL THE US TABLE A DETAILED PROPOSAL?

RESPONSE: WE DO NOT WANT TO DO THAT BEFORE GETTING A DETAILED UNDERSTANDING OF WHAT THE MAIN COUNTRIES WANT IN CONCRETE OPERATIONAL TERMS. IF WE DO NOT SEE WRITTEN

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TO SECSTATE WASHDC PRIORITY 2473

INFO AMEMBASSY OTTAWA

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ACTION STR

H PASS CODEL

PROPOSALS FROM THEM, WE WILL HAVE TO DEPEND (AS WITH CANADA) ON DETAILED BILATERAL DISCUSSIONS. UNTIL THE EC (AND TO SOME EXTENT, JAPANESE) LASSITUDE IS OVERCOME BY POST-SUMMIT FOLLOW-UP, WE WILL BE DELAYED; BUT A COMPREHENSIVE PROPOSAL MIGHT BE POSSIBLE IN THE FALL.

8. FRAMEWORK GROUP (FG): CANADIAN FEARS ON THE EXPORT RESTRICTIONS TOPIC DOMINATE OUR BILATERAL DISCUSSIONS OF FG, WHERE WE WOULD OTHERWISE HAVE MUCH IN COMMON. FOR GENERAL BACKGROUND ON CANADIAN ATTITUDES, SEE WALKER-WOLFF LETTER, 3/14/77 AND MTN GENEVA 2373 REPORTING BILATERAL DISCUSSION OF GATT PROVISIONS.

GREY MAY RAISE:

-- U.S. FG OBJECTIVES ON EXPORT RESTRICTIONS.

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RESPONSE: US GOALS IN FG ARE LIMITED, ESPECIALLY AS WE SEEK SOME SORT OF CONSENSUS OUTCOME. ESSENTIALLY WE SEEK A KIND OF PARITY BETWEEN FUTURE HANDLING OF EXPORT RESTRICTIONS (INCLUDING TAXES) AND CURRENT (OR IN FUTURE, IMPROVED) HANDLING OF IMPORT RESTRICTIONS (INCLUDING DUTIES). WE ARE SENSITIVE TO CANADIAN WISH TO HAVE SECTORS GROUP WORK ON THIS FIRST, CANNOT ACCEPT THAT TOTALLY, BUT DO NOT INTEND TO MOVE RAPIDLY IN FG. (SEE PAGE 7 OF U.S. STATEMENT TO FG, MTN/FR/W/2.)

-- U.S. INTENSION ON CANADIAN OFFER TO TALK ABOUT GATT RULES ON EXPORT RESTRICTIONS/TAXES IN SECTORS GROUP (MTN GENEVA 2340).

RESPONSE: WE HAVE SOME DOUBTS WHETHER A SEPARATE
DISCUSSION WITH CANADA IN SECTORS GROUP, OF WHAT THE REST
OF US ARE DISCUSSING IN FG, WOULD BE MANAGEABLE OR USEFUL --
BUT WE HAVE NOT RULED IT OUT. OUR PARTICIPATION IN
ANY SUCH DISCUSSION WOULD HOWEVER HAVE TO BE JUDGED IN
LIGHT OF OUR OVERALL OBJECTIVES AND APPROACH TO THE
SECTORS GROUP.WALKER

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